

State of Illinois 91st General Assembly Final Senate Journal

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

85TH LEGISLATIVE DAY

WEDNESDAY, MARCH 8, 2000

12:00 O'CLOCK NOON

No. 85

[Mar. 8, 2000]

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The Senate met pursuant to adjournment.
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
Prayer by Dr. Gary Rhodes, Elliott Avenue Baptist Church,
Springfield, Illinois.
Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Monday, March 6, 2000, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Tuesday, March 7, 2000, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would

stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS FROM STANDING COMMITTEES

Senator Sieben, Chairperson of the Committee on Agriculture and Conservation to which was referred **House Bills numbered 1822, 2885, 3558 and 3861** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Cronin, Chairperson of the Committee on Education to which was referred **House Bills numbered 3840 and 4266** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Parker, Chairperson of the Committee on Transportation to which was referred **House Bills numbered 3312 and 3859** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 313

Offered by Senator Ronen and all Senators:

Mourns the death of Jacob Ginsburg.

The foregoing resolution was referred to the Resolutions Consent Calendar.

Senator O'Malley Offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 314

WHEREAS, The Illinois Community College Board will set aside a date in the spring of each year as Recognition Day for community college students nominated to the Phi Theta Kappa Honor Society All-Illinois Academic Team and as Recognition Day for community college students in attendance for Student Lobby Day; and

WHEREAS, This day has been formally constituted to include those Illinois community college students named by their college presidents as having achieved high academic standards and noteworthy community involvement; such recognition of these students and the All-Illinois

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Academic Team program promotes the excellent educational quality of Illinois' community college system; and

WHEREAS, This day has been formally constituted to recognize the community college students of the State of Illinois and advocate educational issues concerning community colleges at the State Capitol in Springfield, Illinois; and

WHEREAS, The 2000 Recognition Day will officially occur with a ceremony in the State Capitol Rotunda on April 5, 2000; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge Governor George Ryan to sign a proclamation declaring April 5, 2000 as "All-Illinois Academic Team Recognition Day and Community College Student Lobby Day"; and be it further

RESOLVED, That a suitable copy of this resolution be sent to Governor George Ryan.

Senators Bomke - Demuzio offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 315

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the nation by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, American women have played a unique role throughout the history of the nation by providing the majority of the volunteer labor force of the nation; and

WHEREAS, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our nation; and

WHEREAS, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, Despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the literature, teaching, and study of American history; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that March is designated as "Women's History Month", and the Governor is authorized and requested to issue a proclamation calling upon the people of Illinois to observe this month with appropriate programs, ceremonies, and activities; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Central Illinois Coalition of Labor Union Women and to Governor George Ryan.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Radogno, **House Bill No. 182** having been

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printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 182 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Act on the Aging is amended by changing Section 4.04 as follows:

(20 ILCS 105/4.04) (from Ch. 23, par. 6104.04)

(Text of Section before amendment by P.A. 91-656)

Sec. 4.04. Long Term Care Ombudsman Program.

(a) Long Term Care Ombudsman Program. The Department shall establish a Long Term Care Ombudsman Program, through the Office of State Long Term Care Ombudsman ("the Office"), in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended.

(b) Definitions. As used in this Section, unless the context requires otherwise:

(1) "Access" has the same meaning as in Section 1-104 of the Nursing Home Care Act, as now or hereafter amended; that is, it means the right to:

(i) Enter any long term care facility;

(ii) Communicate privately and without restriction with any resident who consents to the communication;

(iii) Seek consent to communicate privately and without restriction with any resident;

(iv) Inspect the clinical and other records of a resident with the express written consent of the resident;

(v) Observe all areas of the long term care facility except the living area of any resident who protests the observation.

(2) "Long Term Care Facility" means (i) any facility as defined by Section 1-113 of the Nursing Home Care Act, as now or hereafter amended; and (ii) any skilled nursing facility or a nursing facility which meets the requirements of Section 1819(a), (b), (c), and (d) or Section 1919(a), (b), (c), and (d) of the Social Security Act, as now or hereafter amended (42 U.S.C. 1395i-3(a), (b), (c), and (d) and 42 U.S.C. 1396r(a), (b), (c), and (d)).

(3) "Ombudsman" means any person employed by the Department to fulfill the requirements of the Office, or any representative of a sub-State long term care ombudsman program; provided that the representative, whether he is paid for or volunteers his ombudsman services, shall be qualified and authorized by the Department to perform the duties of an ombudsman as specified by the Department in rules.

(c) Ombudsman; rules. The Office of State Long Term Care Ombudsman shall be composed of at least one full-time ombudsman within the Department and shall include a system of designated sub-State long term care ombudsman programs. Each sub-State program shall be designated by the Department as a subdivision of the Office and any representative of a sub-State program shall be treated as a representative of the Office.

The Department shall promulgate administrative rules to establish the responsibilities of the Department and the Office of State Long Term Care Ombudsman. The administrative rules shall include the responsibility of the Office to investigate and resolve complaints made by or on behalf of residents of long term care facilities relating to actions, inaction, or decisions of providers, or their

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representatives, of long term care facilities, of public agencies, or of social services agencies, which may adversely affect the health, safety, welfare, or rights of such residents. When necessary and appropriate, representatives of the Office shall refer complaints to the appropriate regulatory State agency.

(d) Access and visitation rights.

(1) In accordance with subparagraphs (A) and (E) of paragraph (3) of subsection (c) of Section 1819 and subparagraphs (A) and (E) of paragraph (3) of subsection (c) of Section 1919 of the Social Security Act, as now or hereafter amended (42 U.S.C. 1395i-3 (c)(3)(A) and (E) and 42 U.S.C. 1396r (c)(3)(A) and (E)), and Section 712 of the Older Americans Act of 1965, as now or hereafter amended (42 U.S.C. 3058f), a long term care facility must:

(i) permit immediate access to any resident by an ombudsman; and

(ii) permit representatives of the Office, with the permission of the resident's legal representative or legal guardian, to examine a resident's clinical and other records, and if a resident is unable to consent to such review, and has no legal guardian, permit representatives of the Office appropriate access, as defined by the Department in administrative rules, to the resident's records.

(2) Each long term care facility shall display, in multiple, conspicuous public places within the facility accessible to both visitors and patients and in an easily readable format, the address and phone number of the Office, in a manner prescribed by the Office.

(e) Immunity. An ombudsman or any other representative of the Office participating in the good faith performance of his or her official duties shall have immunity from any liability (civil, criminal or otherwise) in any proceedings (civil, criminal or otherwise) brought as a consequence of the performance of his official duties.

(f) Business offenses.

(1) No person shall:

(i) Intentionally prevent, interfere with, or attempt to impede in any way any representative of the Office in the performance of his official duties under this Act and the Older Americans Act of 1965; or

(ii) Intentionally retaliate, discriminate against, or effect reprisals against any long term care facility resident or employee for contacting or providing information to any representative of the Office.

(2) A violation of this Section is a business offense,

punishable by a fine not to exceed \$501.

(3) The Director of Aging shall notify the State's Attorney of the county in which the long term care facility is located, or the Attorney General, of any violations of this Section.

(g) Confidentiality of records and identities. No files or records maintained by the Office of State Long Term Care Ombudsman shall be disclosed unless the State Ombudsman or the ombudsman having the authority over the disposition of such files authorizes the disclosure in writing. The ombudsman shall not disclose the identity of any complainant, resident, witness or employee of a long term care provider involved in a complaint or report unless such person or such person's guardian or legal representative consents in writing to the disclosure, or the disclosure is required by court order.

(h) Legal representation. The Attorney General shall provide legal representation to any representative of the Office against whom

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suit or other legal action is brought in connection with the performance of the representative's official duties, in accordance with "An Act to provide for representation and indemnification in certain civil law suits", approved December 3, 1977, as now or hereafter amended.

(i) Treatment by prayer and spiritual means. Nothing in this Act shall be construed to authorize or require the medical supervision, regulation or control of remedial care or treatment of any resident in a long term care facility operated exclusively by and for members or adherents of any church or religious denomination the tenets and practices of which include reliance solely upon spiritual means through prayer for healing.

(Source: P.A. 90-639, eff. 1-1-99; 91-174, eff. 7-16-99.)

(Text of Section after amendment by P.A. 91-656)

Sec. 4.04. Long Term Care Ombudsman Program.

(a) Long Term Care Ombudsman Program. The Department shall establish a Long Term Care Ombudsman Program, through the Office of State Long Term Care Ombudsman ("the Office"), in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended.

(b) Definitions. As used in this Section, unless the context requires otherwise:

(1) "Access" has the same meaning as in Section 1-104 of the Nursing Home Care Act, as now or hereafter amended; that is, it means the right to:

(i) Enter any long term care facility or assisted living or shared housing establishment;

(ii) Communicate privately and without restriction with any resident who consents to the communication;

(iii) Seek consent to communicate privately and without restriction with any resident;

(iv) Inspect the clinical and other records of a resident with the express written consent of the resident;

(v) Observe all areas of the long term care facility or assisted living or shared housing establishment except the living area of any resident who protests the

observation.

(2) "Long Term Care Facility" means (i) any facility as defined by Section 1-113 of the Nursing Home Care Act, as now or hereafter amended; and (ii) any skilled nursing facility or a nursing facility which meets the requirements of Section 1819(a), (b), (c), and (d) or Section 1919(a), (b), (c), and (d) of the Social Security Act, as now or hereafter amended (42 U.S.C. 1395i-3(a), (b), (c), and (d) and 42 U.S.C. 1396r(a), (b), (c), and (d)).

(2.5) "Assisted living establishment" and "shared housing establishment" have the meanings given those terms in Section 10 of the Assisted Living and Shared Housing Act.

(3) "Ombudsman" means any person employed by the Department to fulfill the requirements of the Office, or any representative of a sub-State long term care ombudsman program; provided that the representative, whether he is paid for or volunteers his ombudsman services, shall be qualified and authorized by the Department to perform the duties of an ombudsman as specified by the Department in rules.

(c) Ombudsman; rules. The Office of State Long Term Care Ombudsman shall be composed of at least one full-time ombudsman within the Department and shall include a system of designated sub-State long term care ombudsman programs. Each sub-State program shall be designated by the Department as a subdivision of the Office

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and any representative of a sub-State program shall be treated as a representative of the Office.

The Department shall promulgate administrative rules to establish the responsibilities of the Department and the Office of State Long Term Care Ombudsman. The administrative rules shall include the responsibility of the Office to investigate and resolve complaints made by or on behalf of residents of long term care facilities and assisted living and shared housing establishments relating to actions, inaction, or decisions of providers, or their representatives, of long term care facilities, of assisted living and shared housing establishments, of public agencies, or of social services agencies, which may adversely affect the health, safety, welfare, or rights of such residents. When necessary and appropriate, representatives of the Office shall refer complaints to the appropriate regulatory State agency. The Department shall cooperate with the Department of Human Services in providing information and training to designated sub-State long term care ombudsman programs about the appropriate assessment and treatment (including information about appropriate supportive services, treatment options, and assessment of rehabilitation potential) of persons with mental illness (other than Alzheimer's disease and related disorders).

(d) Access and visitation rights.

(1) In accordance with subparagraphs (A) and (E) of paragraph (3) of subsection (c) of Section 1819 and subparagraphs (A) and (E) of paragraph (3) of subsection (c) of Section 1919 of the Social Security Act, as now or hereafter amended (42 U.S.C. 1395i-3 (c)(3)(A) and (E) and 42 U.S.C. 1396r (c)(3)(A) and (E)),

and Section 712 of the Older Americans Act of 1965, as now or hereafter amended (42 U.S.C. 3058f), a long term care facility, assisted living establishment, and shared housing establishment must:

(i) permit immediate access to any resident by an ombudsman; and

(ii) permit representatives of the Office, with the permission of the resident's legal representative or legal guardian, to examine a resident's clinical and other records, and if a resident is unable to consent to such review, and has no legal guardian, permit representatives of the Office appropriate access, as defined by the Department in administrative rules, to the resident's records.

(2) Each long term care facility, assisted living establishment, and shared housing establishment shall display, in multiple, conspicuous public places within the facility accessible to both visitors and patients and in an easily readable format, the address and phone number of the Office, in a manner prescribed by the Office.

(e) Immunity. An ombudsman or any other representative of the Office participating in the good faith performance of his or her official duties shall have immunity from any liability (civil, criminal or otherwise) in any proceedings (civil, criminal or otherwise) brought as a consequence of the performance of his official duties.

(f) Business offenses.

(1) No person shall:

(i) Intentionally prevent, interfere with, or attempt to impede in any way any representative of the Office in the performance of his official duties under this Act and the Older Americans Act of 1965; or

(ii) Intentionally retaliate, discriminate against, or effect reprisals against any long term care facility

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resident or employee for contacting or providing information to any representative of the Office.

(2) A violation of this Section is a business offense, punishable by a fine not to exceed \$501.

(3) The Director of Aging shall notify the State's Attorney of the county in which the long term care facility is located, or the Attorney General, of any violations of this Section.

(g) Confidentiality of records and identities. No files or records maintained by the Office of State Long Term Care Ombudsman shall be disclosed unless the State Ombudsman or the ombudsman having the authority over the disposition of such files authorizes the disclosure in writing. The ombudsman shall not disclose the identity of any complainant, resident, witness or employee of a long term care provider involved in a complaint or report unless such person or such person's guardian or legal representative consents in writing to the disclosure, or the disclosure is required by court order.

(h) Legal representation. The Attorney General shall provide legal representation to any representative of the Office against whom

suit or other legal action is brought in connection with the performance of the representative's official duties, in accordance with the State Employee Indemnification Act.

(i) Treatment by prayer and spiritual means. Nothing in this Act shall be construed to authorize or require the medical supervision, regulation or control of remedial care or treatment of any resident in a long term care facility operated exclusively by and for members or adherents of any church or religious denomination the tenets and practices of which include reliance solely upon spiritual means through prayer for healing.

(Source: P.A. 90-639, eff. 1-1-99; 91-174, eff. 7-16-99; 91-656, eff. 1-1-01; revised 1-5-00.)

Section 10. The Nursing Home Care Act is amended by changing Section 3-212 as follows:

(210 ILCS 45/3-212) (from Ch. 111 1/2, par. 4153-212)

Sec. 3-212. Inspection.

(a) The Department, whenever it deems necessary in accordance with subsection (b), shall inspect, survey and evaluate every facility to determine compliance with applicable licensure requirements and standards. An inspection should occur within 120 days prior to license renewal. The Department may periodically visit a facility for the purpose of consultation. An inspection, survey, or evaluation, other than an inspection of financial records, shall be conducted without prior notice to the facility. A visit for the sole purpose of consultation may be announced. The Department shall provide training to surveyors about the appropriate assessment, care planning, and care of persons with mental illness (other than Alzheimer's disease or related disorders) to enable its surveyors to determine whether a facility is complying with State and federal requirements about the assessment, care planning, and care of those persons.

(a-1) An employee of a State or unit of local government agency charged with inspecting, surveying, and evaluating facilities who directly or indirectly gives prior notice of an inspection, survey, or evaluation, other than an inspection of financial records, to a facility or to an employee of a facility is guilty of a Class A misdemeanor.

(a-2) An employee of a State or unit of local government agency charged with inspecting, surveying, or evaluating facilities who willfully profits from violating the confidentiality of the inspection, survey, or evaluation process shall be guilty of a Class 4 felony and that conduct shall be deemed unprofessional conduct that

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may subject a person to loss of his or her professional license. An action to prosecute a person for violating this subsection (a-2) may be brought by either the Attorney General or the State's Attorney in the county where the violation took place.

(b) In determining whether to make more than the required number of unannounced inspections, surveys and evaluations of a facility the Department shall consider one or more of the following: previous inspection reports; the facility's history of compliance with standards, rules and regulations promulgated under this Act and

correction of violations, penalties or other enforcement actions; the number and severity of complaints received about the facility; any allegations of resident abuse or neglect; weather conditions; health emergencies; other reasonable belief that deficiencies exist.

(b-1) The Department shall not be required to determine whether a facility certified to participate in the Medicare program under Title XVIII of the Social Security Act, or the Medicaid program under Title XIX of the Social Security Act, and which the Department determines by inspection under this Section or under Section 3-702 of this Act to be in compliance with the certification requirements of Title XVIII or XIX, is in compliance with any requirement of this Act that is less stringent than or duplicates a federal certification requirement. In accordance with subsection (a) of this Section or subsection (d) of Section 3-702, the Department shall determine whether a certified facility is in compliance with requirements of this Act that exceed federal certification requirements. If a certified facility is found to be out of compliance with federal certification requirements, the results of an inspection conducted pursuant to Title XVIII or XIX of the Social Security Act may be used as the basis for enforcement remedies authorized and commenced under this Act. Enforcement of this Act against a certified facility shall be commenced pursuant to the requirements of this Act, unless enforcement remedies sought pursuant to Title XVIII or XIX of the Social Security Act exceed those authorized by this Act. As used in this subsection, "enforcement remedy" means a sanction for violating a federal certification requirement or this Act.

(c) Upon completion of each inspection, survey and evaluation, the appropriate Department personnel who conducted the inspection, survey or evaluation shall submit a copy of their report to the licensee upon exiting the facility, and shall submit the actual report to the appropriate regional office of the Department. Such report and any recommendations for action by the Department under this Act shall be transmitted to the appropriate offices of the associate director of the Department, together with related comments or documentation provided by the licensee which may refute findings in the report, which explain extenuating circumstances that the facility could not reasonably have prevented, or which indicate methods and timetables for correction of deficiencies described in the report. Without affecting the application of subsection (a) of Section 3-303, any documentation or comments of the licensee shall be provided within 10 days of receipt of the copy of the report. Such report shall recommend to the Director appropriate action under this Act with respect to findings against a facility. The Director shall then determine whether the report's findings constitute a violation or violations of which the facility must be given notice. Such determination shall be based upon the severity of the finding, the danger posed to resident health and safety, the comments and documentation provided by the facility, the diligence and efforts to correct deficiencies, correction of the reported deficiencies, the frequency and duration of similar findings in previous reports and the facility's general inspection history. Violations shall be

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determined under this subsection no later than 60 days after completion of each inspection, survey and evaluation.

(d) The Department shall maintain all inspection, survey and evaluation reports for at least 5 years in a manner accessible to and understandable by the public.

(Source: P.A. 88-278; 89-21, eff. 1-1-96; 89-171, eff. 1-1-96; 89-197, eff. 7-21-95; 89-626, eff. 8-9-96.)

Section 15. The Illinois Public Aid Code is amended by changing Section 5-5.5 as follows:

(305 ILCS 5/5-5.5) (from Ch. 23, par. 5-5.5)

Sec. 5-5.5. Elements of Payment Rate.

(a) The Department of Public Aid shall develop a prospective method for determining payment rates for skilled nursing and intermediate care services in nursing facilities composed of the following cost elements:

(1) Standard Services, with the cost of this component being determined by taking into account the actual costs to the facilities of these services subject to cost ceilings to be defined in the Department's rules.

(2) Resident Services, with the cost of this component being determined by taking into account the actual costs, needs and utilization of these services, as derived from an assessment of the resident needs in the nursing facilities. The Department shall adopt rules governing reimbursement for resident services as listed in Section 5-1.1. Surveys or assessments of resident needs under this Section shall include a review by the facility of the results of such assessments and a discussion of issues in dispute with authorized survey staff, unless the facility elects not to participate in such a review process. Surveys or assessments of resident needs under this Section may be conducted semi-annually and payment rates relating to resident services may be changed on a semi-annual basis. The Illinois Department shall initiate a project, either on a pilot basis or Statewide, to reimburse the cost of resident services based on a methodology which utilizes an assessment of resident needs to determine the level of reimbursement. This methodology shall be different from the payment criteria for resident services utilized by the Illinois Department on July 1, 1981. On March 1, 1982, and each year thereafter, until such time when the Illinois Department adopts the methodology used in such project for use statewide or the Illinois Department reports to the Citizens Assembly/Council on Public Aid that the methodology did not meet the Department's goals and objectives and therefore is ceasing such project, the Illinois Department shall report to the General Assembly on the implementation and progress of such project. The report shall include:

(A) A statement of the Illinois Department's goals and objectives for such project;

(B) A description of such project, including the number and type of nursing facilities involved in the project;

(C) A description of the methodology used in such project;

(D) A description of the Illinois Department's application of the methodology;

(E) A statement on the methodology's effect on the quality of care given to residents in the sample nursing

facilities; and

(F) A statement on the cost of the methodology used in such project and a comparison of this cost with the cost of

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the current payment criteria.

(3) Ancillary Services, with the payment rate being developed for each individual type of service. Payment shall be made only when authorized under procedures developed by the Department of Public Aid.

(4) Nurse's Aide Training, with the cost of this component being determined by taking into account the actual cost to the facilities of such training.

(5) Real Estate Taxes, with the cost of this component being determined by taking into account the figures contained in the most currently available cost reports (with no imposition of maximums) updated to the midpoint of the current rate year for long term care services rendered between July 1, 1984 and June 30, 1985, and with the cost of this component being determined by taking into account the actual 1983 taxes for which the nursing homes were assessed (with no imposition of maximums) updated to the midpoint of the current rate year for long term care services rendered between July 1, 1985 and June 30, 1986.

(b) In developing a prospective method for determining payment rates for skilled nursing and intermediate care services in nursing facilities, the Department of Public Aid shall consider the following cost elements:

(1) Reasonable capital cost determined by utilizing incurred interest rate and the current value of the investment, including land, utilizing composite rates, or by utilizing such other reasonable cost related methods determined by the Department. However, beginning with the rate reimbursement period effective July 1, 1987, the Department shall be prohibited from establishing, including, and implementing any depreciation factor in calculating the capital cost element.

(2) Profit, with the actual amount being produced and accruing to the providers in the form of a return on their total investment, on the basis of their ability to economically and efficiently deliver a type of service. The method of payment may assure the opportunity for a profit, but shall not guarantee or establish a specific amount as a cost.

(c) The Illinois Department may implement the amendatory changes to this Section made by this amendatory Act of 1991 through the use of emergency rules in accordance with the provisions of Section 5.02 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement the amendatory changes to this Section made by this amendatory Act of 1991 shall be deemed an emergency and necessary for the public interest, safety and welfare.

(d) No later than January 1, 2001, the Department of Public Aid shall file with the Joint Committee on Administrative Rules, pursuant to the Illinois Administrative Procedure Act, a proposed rule, or a proposed amendment to an existing rule, regarding payment for

appropriate services, including assessment, care planning, and treatment provided by nursing facilities to residents who have a serious mental illness.

(Source: P.A. 86-651; 86-705; 86-1028; 87-14; 87-435.)

Section 99. Effective date. This Act takes effect January 1, 2001."

Floor Amendment No. 2 was held in the Committee on Rules.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 477** having been

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printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 477 on page 4, lines 28, 30, and 31, by replacing "1999" each time it appears with "2000".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 478** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator R. Madigan, **House Bill No. 986** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator R. Madigan, **House Bill No. 1582** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator R. Madigan, **House Bill No. 1583** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **House Bill No. 2580** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Geo-Karis, **House Bill No. 3188** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3188 on page 2, line 33, by replacing "5.75%" with "5% ~~5.75%~~".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Dudycz, **House Bill No. 4138** was taken up,

read by title a second time and ordered to a third reading.

At the hour of 12:24 o'clock p.m., Senator Dudycz presiding.

READING A BILL OF THE SENATE A THIRD TIME

On motion of Senator Watson, **Senate Bill No. 1310**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

The Chair announced that **Senate Bill No. 1310** does preempt the powers of Home Rule Units, therefore, a vote of three-fifths of the members elected will be required for its passage.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 50; Nays None; Present 6.

The following voted in the affirmative:

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Bomke
Bowles
Burzynski
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpel
Klemm
Lauzen
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Molaro
Munoz
Myers
Noland

Obama
O'Daniel
O'Malley
Parker
Petka
Radogno
Rauschenberger
Roskam
Shadid
Sieben
Silverstein
Sullivan
Syverson
Trotter
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

The following voted present:

Jones, E.
Lightford
Ronen
Shaw
Smith
Viverito

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14

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**READING BILLS FROM THE HOUSE OF REPRESENTATIVES
A FIRST TIME**

House Bill No. 992, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1544, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1776, sponsored by Senator Link was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1785, sponsored by Senator Geo-Karis was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2374, sponsored by Senator Ronen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2888, sponsored by Senator Noland was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2899, sponsored by Senator Geo-Karis was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2954, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2961, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3049, sponsored by Senator Myers was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3186, sponsored by Senator Maitland was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3221, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3240, sponsored by Senators Lauzen - Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3535, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3576, sponsored by Senators Lightford - Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3756, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

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House Bill No. 3831, sponsored by Senator Maitland was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3841, sponsored by Senator Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3872, sponsored by Senator Philip was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3873, sponsored by Senator Philip was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3875, sponsored by Senator Philip was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3876, sponsored by Senator Philip was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3903, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3929, sponsored by Senator Molaro was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3935, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3939, sponsored by Senator Philip was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3947, sponsored by Senator Sieben was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3986, sponsored by Senator Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4017, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4072, sponsored by Senator Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4181, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4228, sponsored by Senator Klemm was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4237, sponsored by Senator W. Jones was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4421, sponsored by Senator Parker was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4270, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4656, sponsored by Senator Maitland was taken up, read by title a first time and referred to the Committee on Rules.

[Mar. 8, 2000]

House Bill No. 4431, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

LEGISLATIVE MEASURE FILED

The following floor amendment to the House Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to House Bill 3114

At the hour of 1:12 o'clock p.m., on motion of Senator Roskam, the Senate stood adjourned until Thursday, March 9, 2000 at 10:00 o'clock a.m.

[Mar. 8, 2000]